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SUBJECT: STATE GOVERNOR ACCUSES FORMER PRESIDENT OF
PRESSURING HIM TO MAKE FALSE ALLEGATIONS IN 2006 MINING
ACCIDENT

REF: (A) 06 MEXICO 6750 (B) 06 MEXICO 6655

1. SUMMARY: During a recent radio interview the state Governor of Coahuila accused the former president of Mexico of pressuring him in 2006 to falsely accuse the then head of the national miners union of culpability in a mine explosion which left 65 workers dead. The Governor claims the former president pressured him because of a desire (ultimately achieved) to remove the union leader from his position and to protect the then Secretary of Labor (and by extension his administration) from responsibility for the deaths of the 65 miners. The governor of Coahuila has been less than clear as to why he waited a year before going public with his accusations. For their part, neither the former President nor his former Secretary of Labor, have yet offered convincing rebuttals to the accusations made against them. The accusations against former President Fox have generated considerable comment and attention from both the media and Mexico's main political parties. This matter once again focuses public attention on a case that could involve not just Mexico, but Canada and the US under the terms of NAFTA, the North American Agreement on Labor Cooperation. END SUMMARY.

A TRAGIC MINING ACCIDENT

2. On February 19, 2006, a gas explosion at the Pasta de Conchos mine in the northern Mexican state of Coahuila left 65 workers dead. At the time of the accident the Mexican government rushed to provide what assistance it could and apparently worked closely with Coahuila state authorities, the mine owners (Minera Mexico) and Mexico's National Union of Miners and Metalworkers (SNTMMSRM) to coordinate rescue efforts. Unfortunately the rescue attempts were unsuccessful and within a relatively short period of time the close cooperation that existed between the state and federal government, the mine owners and the union all but faded away.

3. During the height of the rescue operation, once it became clear that no one survived the accident, the Mexican government, under then President Vicente Fox, promised that the bodies of the dead miners would be recovered and returned to their families. The Fox government also promised a broad range of financial and other assistance to the families of the miners and, more importantly, committed itself to conducting a full and complete investigation of the accident. As a part of this last commitment the GOM promised it would prosecute to the full extent of the law anyone found

responsible, through either commission or omission, for the circumstances leading to the accident at the Pasta de Conchos mine.

14. Now, almost exactly one year later, most of the promises of assistance to the families have not been kept, the investigation (while nearing its end) is still ongoing and the bodies of the dead miners have not been recovered.

I ACCUSE

15. As the investigation into the causes of the accident at the Pasta de Conchos mine appears to be nearing its end a completely new and previously unknown element was thrown into the politics surrounding this event. During a national radio interview on February 18, the Governor of Coahuila, Humberto Moreira, made a shocking accusation against former President Fox. According to Governor Moreira, in a meeting at Los Pinos (the Mexican White House) shortly after the accident, President Fox asked him to falsely accuse the miners, labor leader Napoleon Gomez Urrutia, of responsibility for the events leading up to deaths of the 65 workers. The Coahuila governor claimed the former president also asked him have Gomez arrested as a way to deflect attention away from such members of his administration who might otherwise be held responsible, such as then Secretary of Labor, Javier Salazar Saenz, and of Government (Interior), Carlos Abascal. If true, Governor Moreira,s accusations would mean that former President Fox and, by extension, his two cabinet members were guilty of a crime under two different articles (225 and 400) of Mexico,s Federal Criminal Code.

16. Governor Moreira,s accusations have become the subject of intense media scrutiny and public commentary. Moreover,

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Mexico,s two main opposition political parties, the Party of the Democratic Revolution (PRD) and the former ruling Institutional Revolutionary Party (PRI) have seized upon Governor Moreira,s accusations to call for an official investigation by Mexico,s equivalent of the US Attorney General,s Office and possible congressional hearings. Humberto Moreira is a member of the PRI and former President Fox is a member of Mexico,s current ruling National Action Party (PAN). The leader of the PAN in the lower house of Mexico,s congress has sharply dismissed Governor Moreira,s accusation and challenged him to present proof of any of the allegations he has made against former President Fox. Several PAN Senators have also leaped to the former president,s defense.

17. Although Governor Moreira was not specific as to the exact date of his meeting with then President Fox, media outlets have sharply highlighted the fact that the Pasta de Concha incident occurred just days after the Fox administration had removed Napoleon Gomez as head of the SNTMMSRM union under highly controversial circumstances. According to statements made by the Fox administration at the time, it removed Gomez as union leader at the request of the appropriate union authorities themselves after he had been accused of misappropriating some USD 55 million in SNTMMSRM pension funds. (Note: The funds in question have yet to be recovered and were last known to be in an account in a Mexican branch of Canadian owned Scotiabank Inverlat.)

18. The GOM has filed embezzlement charges against Napoleon Gomez in federal courts but, in every case, the courts have thrown them out. There are charges pending against Gomez in several state courts but Coahuila is not one of them. Governor Moreira firmly stated that there were never any charges pending against Gomez in his state and he claims he unequivocally told then President Fox that he would not falsely accuse Gomez when there was no proof that he had committed any crime. Although Gomez himself has firmly denied wrongdoing of any kind, he quietly moved to Canada shortly

after the Fox government stripped him of his post as SNTMMSRN leader. The Canadian government has twice refused GOM requests to extradite Gomez stating that the Mexican Government has yet to present firm evidence of the deposed labor leader,s alleged crimes.

HE SAID; HE SAID

¶9. At present, Governor Moreira has presented no firm proof of his accusation against former President Fox; nor is he likely to do so since there are no known recordings of the conversation that took place at Los Pinos. He has however, sought out numerous opportunities to repeat and otherwise reaffirm his accusations against the former president. His affirmations have been unequivocal but they have not added anything more in the way of proof or done much to persuade those who doubt his version of events.

¶10. In one detailed press event, the Governor Moreira was specifically asked why anyone should believe him and why he waited a full year before making his allegations against the former president. According to Moreira he did make timely public statements concerning his allegations but that no one paid attention to him. Moreira claimed that he was renewing his allegations because: (1) of his concerns that those responsible be held accountable for the deaths of the 65 miners; (2) of his desire to have the GOM live up to the promises of assistance it made to the families of the accident victims and; (3) to make sure that the GOM provided the necessary resources to ensure that the accident at Pasta de Conchos would not happen again elsewhere.

¶11. Although the senior PAN Federal Deputy in the Mexican congress and several PAN Senators have been extremely vocal in dismissing Governor Moreira,s accusations, the office of former President Fox has been somewhat evasive in response to the allegations. Former Labor Secretary Francisco Javier Salazar, who now works in the national headquarters of the PAN, declined to make any substantive rebuttal to Moreira,s allegations claiming he did not want to interfere in any way with the ongoing investigation.

¶12. Initially, the strongest defenders of former President Fox were his former Secretary of Government Carlos Abascal

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and an unnamed media source. Absacal has been firm in denying all allegations made by the Coahuila governor. His denials are now being picked up an amplified by other senior figures in the PAN. As for the unnamed source, he confirmed that the meeting between Fox and Moreira did take place in Los Pinos but that the only thing the former President asked was that the Governor help his administration with the investigation discovering what happened to the USD 55 million that was now missing from the union pension fund.

COMMENT

¶13. It is not clear why Governor Moreira waited a year to make his allegations against former President Fox and his administration. Some of the Governor,s supporters claim that only a fool would have openly attacked a sitting president. They also point out that, at the time of the accident, the only government official at any level who openly acknowledged that the 65 miners were dead was Governor Moreira. Initially following the accident, then Secretary of Labor Francisco Javier Salazar, repeatedly denied the miners were dead. The defenders of President Fox accuse Moreira of making unsupported allegations that are impossible to prove in order to shift blame to others. The state that Moreira suspects that he will be blamed for negligence once the ongoing investigation of the mining accident is finally complete.

¶14. There is no way to know if the allegations by either side are true since no one who participated in or who may have observed the meeting between Fox and Moreira can prove anything. It is perhaps a measure of the former president's unpopularity that so many Mexican citizens are prepared to believe that he knowingly committed a crime by attempting to have false charges brought against a major labor leader. Should the issue be pursued, the seriousness of the accusation could present a significant problem because it is unclear whether Mexico's legal system has the tools to conduct an investigation against a former president in the absence of any clear and objective evidence of a crime.

¶15. It is also possible that this entire matter could also involve both Canada and the US. It could involve Canada because Gomez Urrutia is currently believed to be residing in Vancouver. The US may become involved because the Pasta de Conchos mining accident is a part of the submission submitted to the US Department of Labor by the United Steelworkers Union on behalf of the SNTMMSRN under the terms of NAFTA's North American Agreement on Labor Cooperation.

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